

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THERESA BROOKE,  
Plaintiff,

v.

HHLP SUNNY ASSOCIATES LLC,  
Defendant.

Case No. 21-cv-05924-VKD

**ORDER FOR REASSIGNMENT TO A  
DISTRICT JUDGE**

**REPORT AND RECOMMENDATION  
RE DISMISSAL**

On September 1, 2021, plaintiff advised that this matter settled and indicated that she expected dismissal to be filed “in the coming month.” Dkt. No. 10. On September 2, 2021, the Court issued an Order to Show Cause re Settlement, setting an October 1, 2021 deadline for dismissal. If no dismissal was filed by that date, the order set an October 5, 2021 deadline for a response to the order to show cause, and an October 12, 2021 hearing at which the parties were to show cause why the matter should not be dismissed. Dkt. No. 11.

No dismissal or response to the September 2, 2021 order to show cause has been filed, and no party appeared at the October 12, 2021 hearing. On October 12, the Court issued an order directing plaintiff to file a response by October 15, 2021 showing cause why this case should not be dismissed for her failure to prosecute and failure to follow court orders. Dkt. No. 14. In that same order, the Court noted that if plaintiff failed to respond, then the Court would recommend dismissal of this action. *Id.* The Court has received no response to the October 12 order to show cause.

The Court possesses the inherent power to dismiss an action *sua sponte* “to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33

(1962). Because not all parties have consented to the jurisdiction of a magistrate judge, this Court orders that the Clerk reassign this matter to a district judge, with the recommendation that this matter be dismissed for plaintiff's failure to prosecute and to follow court orders. Any party may serve and file objections to this report and recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; Civ. L.R. 72-3.

**IT IS SO ORDERED.**

Dated: October 18, 2021

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge

United States District Court  
Northern District of California